IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4468 of 2007()

CRMP.2392/2007 of DISTRICT COURT, PALAKKAD
[CRIME NO.13 OF PARLI EXCISE RANGE]

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PETITIONER/ACCUSED:

SURENDRAN, AGED 25 YEARS, S/O.VASU,
KUNNAMPURATH HOUSE, PUDUPARIYARAM, PALAKKAD.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENTS: STATE/COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. EXCISE RANGE INSPECTOR, PARLI EXCISE RANGE, PALAKKAD.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4468 of 2007

Dated this the 24th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 4 litres of arrack on 27/6/2007. On seeing the police party, he allegedly took to his heels and could not be apprehended. The contemporaneous documents like the seizure mahazor and the occurrence report reveal the complicity of the petitioner unmistakably. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He prays that anticipatory bail may be granted to the petitioner.

3. The application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that all indications presently available convincingly point to the complicity of the petitioner. There is no reason to invoke the discretion under Section 438 Cr.P.C.

4. I find merit in the opposition by the learned Public Prosecutor. I am satisfied that this is a fit case where the petitioners must appear before the learned Magistrate or the investigating officer and seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007